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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91207867
Party	Plaintiff E. & J. Gallo Winery
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Serial No. 85/436,336

E. & J. Gallo Winery,

Opposer,

v.

Grenade Beverage LLC,

Applicant.

Opposition No. 91207867

**OPPOSER'S OPPOSITION TO
APPLICANT'S REQUEST TO
CONSOLIDATE PROCEEDINGS**

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS
BOX TTAB –FEE
2900 Crystal Drive
Arlington, VA 22202-3513

On February 24, 2015, Applicant Grenade Beverage LLC (“Applicant”) filed a Request to Consolidate Proceedings and to Suspend Pending Disposition of Civil Action Pursuant to TBMP § 510 (the “Request to Consolidate and Suspend”) in Opposition Nos. 91207868, 91203928 and 91207867, which Applicant failed to serve on Opposer E. & J. Gallo Winery (“Opposer”) in violation of TBMP § 113.01. Opposer hereby opposes the Request to Consolidate and Suspend as improper and without basis for the following reasons.

Applicant's Request To Consolidate Is Without Basis

This Opposition pertains to Applicant's mark EL GALLO ENERGÍA and Design. Opposition Nos. 91207868 and 91203928, which Applicant seeks to consolidate with this proceeding, pertain to the mark EL GALLITO, which was held not to be at issue in Case No. 1:13-cv-00770-AWI-SAB by the US District Court for the Eastern District of California.

Accordingly, while the pending appeal of that judgment may have a bearing on this Opposition, it will not affect Opp. Nos. 91207868 and 91203928, which pertain to the EL GALLITO mark. (See Dkt. No. 13). Thus, Applicant's request to consolidate this proceeding with Opp. Nos. 91207868 and 91203928 is without basis. Opposer assents to the suspension of this proceeding pending resolution of Applicant's pending appeal of the District Court's decision, but respectfully requests that Applicant's Request to Consolidate this proceeding be denied.

Dated: March 11, 2015

Respectfully submitted,

By: /s/ Michael J. Salvatore
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Attorneys for Petitioner E. & J. Gallo Winery

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing OPPOSER'S
OPPOSITION TO APPLICANT'S REQUEST TO CONSOLIDATE PROCEEDINGS was
served by USPS Priority Mail to Applicant at the following address:

Paul Sandford
Grenade Beverage LLC
PO Box 12003
Orange, CA 92859

DATED: March 11, 2015

By: /s/ Nelda Piper
Nelda Piper
Paralegal